

REMARKS

Initially, in the Office Action dated April 22, 2004, the Examiner rejects claims 4 and 9 under 35 U.S.C. §112, second paragraph. Claims 1, 4, 6 and 9-23 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 5,848,396 (Gerace). Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace in view of U.S. Patent No. 5,764,913 (Jancke et al.). Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace and U.S. Patent No. 6,712,702 B2 (Goldberg et al.).

By the present response, Applicants have submitted new claims 24-42 for consideration by the Examiner and assert that these claims do not contain any prohibited new matter. Applicants have amended claims 1, 4, 9, 10, 14, 19 and 21-23 to further clarify the invention. Claims 1-4, 6 and 9-42 remain pending in the present application.

35 U.S.C. §112 Rejections

Claims 4 and 9 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1, 4, 6 and 9-23 have been rejected under 35 U.S.C. §102(e) as being anticipated by Gerace. Applicants respectfully traverse these rejections.

Gerace discloses computer network method and apparatus that provides targeting of appropriate audience based on psychographic or behavioral profiles of

end users. The psychographic profile is formed by recording computer activity and viewing habits of the end user. Content of categories of interest and display format in each category are revealed by the psychographic profile based on user viewing of aggregate information. Using the profile (with or without additional user demographics), advertisements are displayed to appropriately selected users. Based on regression analysis of recorded responses of a first set of users viewing the advertisements, the target user profile is refined. Viewing by and regression analysis of recorded responses of subsequent sets of users continually auto targets and customizes ads for the optimal end user audience.

Regarding claims 1, 14, 19 and new claims 30, 31 and 36, Applicants submit that Gerace does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a client connected to receive from an interactive provider server and respond to signals based on real-time interactive content over a communications channel received from the interactive provider server, or an interface page for providing information pertinent to the real-time interactive content to the client where the page can be configured by the client to display the pertinent information according to the preferences of the client stored by the interactive provider server, the real-time interactive content being tailored to the transmission and reception capabilities of the client. The Examiner asserts that a client connected to receive from an interactive provider server and respond to signals based on interactive content in the claims of the present application are disclosed in Gerace in Fig. 1, Abstract, and col. 3, lines 39-67. However, these portions of Gerace merely

disclose the computer network environment in which the Gerace invention is employed that includes processors, servers, networks, routers, etc. and their interconnections. This is not a client connected to receive from an interactive provider server and respond to signals based on interactive content, as recited in the claims of the present application. These portions of Gerace merely disclose an architecture used for the invention of Gerace. These portions of Gerace do not disclose or suggest anything related to signals based on interactive content being received by a client by an interactive provider server.

Further, the Examiner asserts that Gerace discloses a page being configured to display pertinent information according to preferences at col. 5, lines 15-25 and col. 6, lines 22-39. However, these portions of Gerace merely disclose displaying of advertisements customized to a user based on user preferences as determined from psychographic profile of the user, and a user interface object that provides indications of categories of interest to the user and a primary screen display for each category customized to that user. This is not providing information pertinent to real-time interactive content to a client where the page is configured by the client to display the pertinent information according to preferences of the client stored in an interactive provider server, as recited in the claims of the present application. These portions of Gerace merely disclose displaying advertisements based on the psychographic profile of a user. Advertisements are not real-time interactive content, as recited in the claims of the present application. Gerace merely discloses sending advertisements for viewing by a user where the advertisements are selected and

displayed based on a psychographic profile of a user related to computer activity and viewing habits of the user (see Abstract). In contrast, the limitations in the claims of the present application relate to a client receiving real-time interactive content from a interactive provider server. According to the present invention, the real-time interactive content relates to content where there is a real-time exchange between a client and an interactive provider server. For example, a question sent and an answer sent back in response, in real-time, or a set of options sent and a selection of one or more of the options sent back in response—in real-time (see betting example in specification). In contrast, Gerace merely relates to sending advertisements to a user based on viewing habits (psychographic profile) of the user. This is not real-time interactive content.

Regarding claims 4, 6, 9-13, 15-18, 20-23 and new claims 24-29 32-35 and 37-42. Applicants submit that these claims are dependent on one of independent claims 1, 14, 19, 31 and 36 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicants submit that Gerace does not disclose or suggest the interactive content being betting information, the pertinent information being current information regarding prospective wages or the interactive content being betting information related preferences of the client.

Accordingly, Applicants submit that Gerace does not disclose or suggest the limitations in the combination of each of claims 1, 4, 6, 9-23 and new claims 24-30 of

the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace and Jancke et al. Applicants respectfully traverse this rejection.

Jancke et al. discloses a status monitoring system for a computer network including obtaining, concurrently displaying and dynamically updating the operational state of a plurality of nodes in a computer network. The operational state for each node is displayed concurrently in an expandable hierarchical display having a dynamically updateable operational state icon corresponding to each node in the network. The operational state icon is characteristic of a traffic light and can be used in combination with superimposed status indicators.

Applicants submit that claim 2 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Jancke et al. does not overcome the substantial defects noted previously regarding Gerace. For example, Applicants submit that none of the cited references disclose or suggest pertinent information being displayed using traffic lights. The icon being characteristic of a traffic light in Jancke et al. does not disclose or suggest this limitation in the claims of the present application.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in

the combination of claim 2 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Gerace and Goldberg et al. Applicants respectfully traverse this rejection.

Goldberg et al. discloses a game playing method and apparatus for automating games such as blackjack, poker, craps, baccarat and pai gow, wherein players may play continuously and asynchronously and information related to advertised items can be exchanged between players and advertisers. The games may be on the Internet or an interactive cable television network wherein a game controller communicates with players at network nodes in their homes and at their leisure since there is no game tempo requirement.

Applicants submit that claim 3 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Goldberg et al. does not overcome the substantial defects noted previously regarding Gerace. For example, Applicants submit that none of the cited references disclose or suggest pertinent information including the time left in a betting window.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 3 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-4, 6 and 9-42 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 0171.38084X00).

Respectfully submitted,

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